

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN HAMMER,

Plaintiff,

v.

No. 14cv755 KBM

LORENZO SILVA,

Defendant.

ORDER FOR NOTICE AND WAIVER OF SERVICE

THIS MATTER comes before the Court *sua sponte*. The Court entered an Order (Doc. 5) granting Plaintiff's Amended Motion for Leave to Proceed *in forma pauperis* (Doc. 2). The statute governing proceedings *in forma pauperis* provides that the "officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]." 28 U.S.C. § 1915(d). Because Plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915, the Court will order the Clerk of the Court to notify Defendant that an action has been commenced and request that Defendant waive service pursuant to Fed. R. Civ. P. 4(d).

IT IS ORDERED that the Clerk of the Court notify Defendant that an action has been commenced and request that Defendant waive service pursuant to Fed. R. Civ. P. 4(d). If Defendant does not return the waiver within 45 days after the request is sent, then the United States Marshal shall serve a copy of the Summons and Complaint on Defendant.


UNITED STATES CHIEF MAGISTRATE JUDGE